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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 UNITED STATES OF AMERICA,

2:07-CR-137 JCM (RJJ)

9 Plaintiff,

10 v.

11 RICARDO BANUELOS,

12 Defendant.
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14 **ORDER**

15 Presently before the court is defendant Ricardo Banuelos' motion for a certificate of
16 appealability. (Doc. # 121).

17 The court has already decided this issue in the same order defendant seeks to appeal. (*See*
18 doc. 118, 8:18-9:17). In fact, the order adjudicating the certificate of appealability issue is attached
19 to the instant motion.

20 In fairness, the court has looked at the merits of defendant's instant motion and does not find
21 any reason to revisit its previous determination that,

22 defendant has not made the required substantial showing of the denial of a
23 constitutional right to justify the issuance of a certificate of appealability. Reasonable
24 jurists would not find the court's determination that petitioner is not entitled to relief
under § 2255 debatable, wrong, or deserving of encouragement to proceed further.

25 (Doc.# 118, 9:13-16).

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1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Ricardo
3 Banuelos' motion for certificate of appealability (doc. # 121) be, and the same hereby is, DENIED
4 as moot.

5 DATED June 18, 2013.

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UNITED STATES DISTRICT JUDGE

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